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May 16, 2008

VIA ELECTRONIC CASE FILING

The Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007

Re: *Floyd, et al. v. The City of New York, et al.*
Case No.: 08 Civ. 1034 (SAS)

Dear Judge Scheindlin:

Our office represents Plaintiffs in the above-referenced case. Pursuant to Fed. R. Civ. P. 4(m), Plaintiffs respectfully request an extension of time to serve certain individual Defendants named in the original Complaint. An extension is necessary to permit Plaintiffs to obtain sufficient identifying information from Defendant City of New York to be able to locate the individuals. Currently, the deadline for service of the original Complaint is May 30, 2008.

Plaintiffs filed the original Complaint in this action on January 31, 2008, and named the City of New York, Mayor Michael Bloomberg, New York City Police Commissioner Raymond Kelly, and New York City Police Officers Rodriguez, Goodman, Jane Doe, and John Does #1 and #2 as Defendants.¹ Plaintiffs have successfully completed service on Defendants City of New York, Bloomberg and Kelly.

Plaintiffs have attempted service on Defendant Officers Rodriguez and Goodman, but were unable to locate these officers without additional information which has not yet been provided by the City. Our process server has been unable to locate Officers Rodriguez and Goodman either at the precinct where they were believed to be assigned or in the NYPD's police officer wheel without their shield numbers. While we anticipate the City's cooperation in obtaining this information, Plaintiffs are unlikely to locate the five officers before May 30, 2008, which is the date on which the 120-day time limit for service of process will expire. Plaintiffs intend to obtain the additional information as expeditiously as possible to effect service.

¹ Plaintiffs' Amended Complaint, which was filed on April 15, 2008, names several additional New York City police officers as individual Defendants. Plaintiffs' time to serve these additional individuals does not expire until August 13, 2008.



Accordingly, Plaintiffs respectfully request that Plaintiffs have until August 13, 2008, to complete service which is the deadline by which Plaintiffs have to complete service of the Defendants which were named in the Amended Complaint.

Thank you for your time and consideration.

Respectfully submitted,

s/ Darius Charney

CENTER FOR CONSTITUTIONAL RIGHTS

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